

David Miller, SBN: 104139  
 MILLER & ANGSTADT  
 A Professional Corporation  
 1910 Olympic Boulevard, Suite 220  
 Walnut Creek, CA 94596  
 Telephone: 925-930-9255  
 Facsimile: 925-930-7595

Attorneys for Defendants  
 NORTHWEST STAFFING RESOURCES, INC.,  
 an Oregon corporation; RESOURCE  
 STAFFING GROUP, INC., an Oregon  
 corporation DULCICH STAFFING, LLC, an  
 Oregon limited liability corporation

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

U-HAUL COMPANY OF CALIFORNIA,  
 Inc., a California corporation,

Case No.: C07-3848 -JCS

Plaintiffs,

v.

NORTHWEST STAFFING RESOURCES,  
 INC., an Oregon corporation; RESOURCE  
 STAFFING GROUP, INC., an Oregon  
 corporation; DULCICH STAFFING, LLC,  
 an Oregon limited liability corporation; and  
 DOES 1 TO 25 inclusive,

**NOTICE OF MOTION AND MOTION  
 OF DULCICH STAFFING, LLC TO  
 DISMISS FOR FAILURE TO STATE A  
 CLAIM FOR WHICH RELIEF CAN BE  
 GRANTED [FRCP 12(b)(6)] OR IN THE  
 ALTERNATIVE FOR A MORE  
 DEFINITE STATEMENT AND TO  
 STRIKE [FRCP 12(e)(f)]**

Date: September 14, 2007  
 Time: 9:30  
 Dept: Ctrm A

Defendants.

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 14, 2007, or as soon thereafter as the matter may be heard in the above entitled court, Defendant DULCICH STAFFING, LLC (hereafter "Defendant DULCICH" will move the Court to dismiss the action against it pursuant to FRCP 12(b)(6) because Plaintiff's Complaint fails to state a claim upon which relief can be granted, on the grounds that Plaintiff states no specific non-conclusory facts which could impose liability on

Notice of Motion and Motion for 12(b)(6)


1 Defendants DULCICH, and that the only facts Plaintiff specifically plead and a document or  
2 documents Plaintiff incorporated in its Complaint establish that there is no factually-stated viable  
3 claim against Defendant DULCICH.

4 The motion will be based on this Notice of Motion and Motion, the Memorandum of  
5 Points and Authorities filed herewith, and the Pleadings and papers filed in this matter.

6  
7 DATE: July 31, 2007

Respectfully submitted,

8  
9 By

  
David Miller  
Attorney for Defendants  
NORTHWEST STAFFING RESOURCES,  
INC., RESOURCE STAFFING GROUP,  
INC., and DULCICH STAFFING, LLC

**PROOF OF SERVICE [FRCP 5(b)(d)]**

I am a citizen of the United States. My business address is 1910 Olympic Blvd., Suite 220, Walnut Creek, California 94596. I am employed in the County of Contra Costa where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served the foregoing document(s) described as:

**NOTICE OF MOTION AND MOTION OF DULCICH STAFFING, LLC TO DISMISS  
FOR FAILURE TO STATE A CLAIM FOR WHICH RELIEF CAN BE GRANTED  
FRCP 12(b)(6)**

on said date at my place of business, a true and correct copy thereof enclosed in a sealed envelope prepaid for first-class mail for collection and mailing that same day in the ordinary course of business, addressed to the parties as follows:

Robert Yonowitz, Esq.  
Stacey A. Zartler, Esq.  
Fisher and Phillips, LLP  
One Embarcadero Center, Suite 2340  
San Francisco, California 94111-3712

☒ **(BY MAIL)** I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Walnut Creek, California.

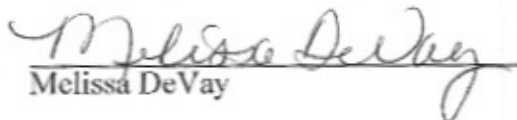
☐ **(BY FACSIMILE)** I transmitted a true and correct copy by facsimile to the number indicated above.

☐ **(BY PERSONAL SERVICE)** I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s) as listed above.

☐ **(BY OVERNIGHT DELIVERY)** I caused such envelope(s) to be delivered to an overnight delivery carrier with the delivery fees provided for, addressed to the person(s) on whom it is to be served as shown above.

☒ **(FEDERAL)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 31, 2007 at Walnut Creek, California

  
Melissa DeVay